



Colin Prince
10 North Post Street, Suite 700
Spokane, Washington 99201
509.624.7606
Attorney for Joseph Gonzales

UNITED STATES DISTRICT COURT
Honorable Wm. Fremming Nielsen

United States,

Plaintiff,

v.

Joseph Gonzales,

Defendant.

No. 18-cr-195-WFN

Sentencing Memorandum &
Objection to Presentence Report

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The PSR aptly summarizes Mr. Gonzales's life. His parents divorced when he was young, and Mr. Gonzales's unstable mother all but abandoned the family. Mr. Gonzales and his brothers were raised by his father, who eventually lost his job and drank himself to death. At 20-years old, Mr. Gonzales began caring for his father until the latter's death in 2011. Mr. Gonzales reconnected with his mother, and desperate to get out of New Mexico, moved to Post Falls, Idaho.

Mr. Gonzales has been diagnosed with anxiety, depression, and PTSD, and at 15-years old, sliced his wrists open in a failed attempt to kill himself.

1 During the PSR interview, Mr. Gonzales also revealed he was having suicidal
2 thoughts, and the defense and Probation helped Mr. Gonzales into counseling. He has
3 been attending counseling since.

4 Mr. Gonzales remains employed in the parts department of an RV dealership.

5 III. DISCUSSION

6 The Court knows the Sentencing Reform Act well, and Mr. Gonzales need not
7 repeat the statute or the well-worn rule that court may not presume the guidelines are
8 reasonable. There are a few reasons to accept the parties' recommendation:

9 *First*, sentencing Mr. Gonzales to more than 60-months accomplishes none of
10 the Sentence Reform Act's goals. Mr. Gonzales compulsively downloaded music,
11 movies, and pornography of all kinds. He kept some child pornography on his
12 computer. (Much of it was deleted.) That crime was a result of Mr. Gonzales's
13 circumstances and mental health problems. He was a sad young man living alone,
14 without friends, much family to speak of, going to work at a repetitive job for eight
15 hours a day and returning home without variation. His sole escape was a computer, and
16 Mr. Gonzales used it to avoid confronting crippling anxiety and depression.

17 By the time he was arrested, Mr. Gonzales was paying for a commercial-grade
18 internet-bandwidth package to handle his massive downloading. He would set his
19 computer to download gigabytes of data every night as he slept and then weed through
the downloads in the mornings and evenings. It wasn't much of a life.

1 Mr. Gonzales was downloading overwhelming amounts of pornography, legal
2 and illegal. He compulsively downloaded movies and music.

3 There is an important factor though. The defense investigation revealed no
4 search terms. Mr. Gonzales was not hunting for child pornography in particular, but if
5 you search for enough general pornography and download it with abandon, you'll end
6 up with child pornography.

7 ***Second***, Mr. Gonzales will be saddled with lifelong penalties. He will be branded
8 a felon and, worse, labeled a sex offender for many years to come. Mr. Gonzales's
9 chances of homelessness skyrocket, and his chances of gainful employment and
10 housing plummet. This conviction will further destabilize his life and his mental health,
11 benefitting neither Mr. Gonzales nor society.

12 ***Third***, sentencing Mr. Gonzales to more than 60-months will neither remedy
13 the harm to the victims nor deter others.

14 **IV. CONCLUSION**

15 Mr. Gonzales respectfully requests that the Court sentence him to 60-months
16 incarceration followed by 5-years supervised release. Mr. Gonzales also requests a
17 recommendation for placement at Sheridan and admission to the RDAP program (Mr.
18 Gonzales extensively used marijuana to self-medicate for his anxiety and depression.)
19 Mr. Gonzales will address restitution at sentencing.

1 **V. PROTECTIVE OBJECTION TO PSR**

2 At paragraph 87, the PSR lists restitution requests, including a baffling request
3 for \$1.6 million from Mr. Gonzales. The PSR accurately summarizes the requests, and
4 Mr. Gonzales objects to the extent necessary to record he does not agree the requests
5 are appropriate or should be ordered.

6 Dated: July 9, 2020.

7 Federal Defenders of Eastern Washington & Idaho
8 Attorneys for Joseph Gonzales

9 s/Colin G. Prince

10 Colin G. Prince, WSBA No. 43166

11 10 North Post Street, Suite 700

12 Spokane, Washington 99201

13 t: (509) 624-7606

14 f: (509) 747-3539

15 Colin_Prince@fd.org

SERVICE CERTIFICATE

I certify that on July 9, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will notify Assistant United States Attorneys: Alison Gregoire.

s/Colin G. Prince

Colin G. Prince, WSBA No. 43166

10 North Post Street, Suite 700

Spokane, Washington 99201

t: (509) 624-7606

f: (509) 747-3539

Colin_Prince@fd.org